

REMARKS

The Office Action mailed May 4, 2005, as well as the Office Action mailed October 6, 2004, indicate, "The drawing(s) filed on 26 December 2001 are accepted by the Examiner." The attached formal drawings were filed with the United States Patent and Trademark Office on March 20, 2002 and on December 28, 2004 in response to the Notice to File Corrected Application Papers mailed January 31, 2002 as evidenced by a copy of the attached postcards.

Claims 1-9, 12-21, 24, 25 and 26 were rejected under 35 USC § 103(a) as being unpatentable over "Real World Photoshop 3", and further in view of either Ano (Patent Application Publication 2002/0030665 A1) or Manross, Jr. (US Patent 6,414,663 B1).

By this amendment, all of the independent claims in this case have been amended to more clearly set forth the invention. The affective information is now specified to include a value which is an importance rating. This rating, of course, relates to the specific feelings or emotions of the user identified by the user identifier toward the digital image stored in the image file.

Turning now to the Photoshop reference, it is true as the Examiner points out, that Photoshop does permit a user to provide caption information inside a TIFF or EPS image file. The user can type in whatever caption information that is considered relevant. There is no teaching or suggestion, however, that this caption information should include specific feelings or emotions, let alone a value which is an importance rating.

Turning now to the Ano reference, it is true that this reference teaches an input device that enables a user to select a "favorite" image from a plurality of images displayed as thumbnails. However, Ano does not teach or suggest that the information identifying "favorite" images should be stored as data, let along storing a value which is an importance rating in an image file. Turning now to the Manross, Jr. reference, it is true that this reference teaches an electronic memorial that displays text and images depicting important events in a decedent life, which can include favorite photographs. However, Manross, Jr. do not teach or suggest that the information identifying "favorite" images should be

stored as data, let along storing a value which is an importance rating in an image file.

Assuming for the sake of argument that the teachings of Ano and Manross, Jr. were combined with the Photoshop reference, one would have an image file with captions that might, in some cases, specify using text that “This image is one of decedent’s favorites”. This does not suggest any type of rating system. Such captions would be of very limited value in retrieving images, since most images would not have captions that relate to the feeling or emotions of the decedent, let alone a rating that can be used to compare different images to determine which ones have the highest rating.

Claims 10 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Photoshop and Ano and further in view of Pierce, et al. (US Patent 6,327,580 A). Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Photoshop and Ano and further in view of Oda, et al. (US Patent 6,088,040). Claims 11 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Photoshop and Ano and further in view of Abbott, et al. (PGPub. 2002/0054174).

Photoshop and Ano have been discussed in detail above. Pierce, et al. teach a postage printing system which uses user profile data to identify a subset of messages available for printing. Applicants fail to find any rating system in Pierce, et al., let along storing a value which is an importance rating in an image file. Oda, et al. teach a system which includes a camera for capturing facial expressions. However, this system does not produce a rating related to an image, let along store a value which is an importance rating in an image file. Abbott, et al. teach a system which monitors user actions. However, this system does not produce a rating related to an image, let along store a value which is an importance rating in an image file.

New claims 27 and 28 have been added to further define the scope of Applicants invention. All of the independent claims are now believed to define unobvious subject matter and should be allowed. The remaining claims all depend on one of the independent claims and they also should be allowable.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



Raymond L. Owens
Attorney for Applicants
Registration No. 22,363

RLO:JMD
Telephone 585-477-4653
Facsimile 585-477-4646
Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.



Attorney Docket 83837RLO
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tomasz A. Matraszek, et al.

AN IMAGE FORMAT INCLUDING
AFFECTIVE INFORMATION

Serial No. 10/036,157

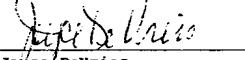
Filed 26 December 2001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit 2676
Confirmation 3986
Examiner Gregory F. Cunningham

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Joyce DeVries

Date: December 28, 2004

LETTER TO THE OFFICIAL DRAFTSPERSON

The Office Action indicates, "The drawing(s) filed on 26 December 2001 are accepted by the Examiner." The attached formal drawings were filed with the United States Patent and Trademark Office on March 20, 2002 in response to the Notice to File Corrected Application Papers mailed January 31, 2002 as evidenced by a copy of the attached postcard.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. **A duplicate copy of this letter is enclosed.**

Respectfully submitted,



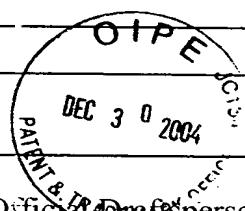
Raymond L. Owens/JMD
Attorney for Applicants
Registration No. 22,363

Raymond L. Owens/JMD
Telephone 585-477-4653
Facsimile 585-477-4646

cc: Examiner Gregory F. Cunningham

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Inventors	<u>Tomasz A. Matraszek, et al.</u>
Serial No.	<u>10/036,157</u>
Paper Submitted	Amendment & Letter to the Official Draftsperson enclosing 10 sheets of formal drawings depicting FIGS. 1-9
Sender (initial)	<u>Raymond L. Owens/JMD</u>
Docket No.	<u>83837RLO</u>
Please stamp with date of receipt and return this card to the addressee.	
PATENT LEGAL STAFF	





Attorney Docket 83837RLO
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tomasz A. Matraszek et al.

AN IMAGE FORMAT INCLUDING
AFFECTIVE INFORMATION

Serial No. 10/036,157

Filed December 26, 2001

Commissioner for Patents
Washington, D.C. 20231

Sir:

Group Art Unit not yet assigned
Examiner not yet assigned

I hereby certify that this correspondence is being
deposited today with the United States Postal Service
as first class mail in an envelope addressed to
Commissioner for Patents, Washington, D.C. 20231.

Joyce VanDam

Joyce VanDam
Date: March 20, 2002

RESPONSE

This letter is in response to the Notice to File Corrected
Application Papers mailed January 31, 2002.

Returned herewith is a copy of the above-entitled form and Formal
Drawings in compliance with 37 C.F.R. 1.84.

This action is being taken within two months of the above Notice.

**Please charge the fee to Eastman Kodak Company Deposit
Account No. 05-0225. A duplicate copy of this request is enclosed.**

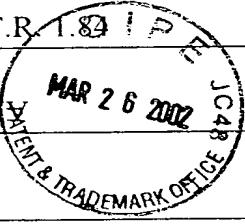
Respectfully submitted,

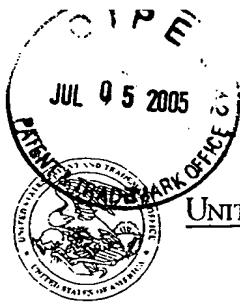
Raymond L. Owens

Attorney for Applicants
Registration No. 22,363

Raymond L. Owens/JMV
Enclosures
Telephone (585) 477-4653
Facsimile (585) 477-4646

Inventors	<u>Tomász A. Matraszek, et al</u>
Serial No.	<u>10/036,157</u>
Paper Submitted	<u>Response Under 37 C.F.R. 1.84</u>
Sender (initial)	<u>Raymond L. Owens/JMV</u>
Docket No.	<u>83837RLO</u>
<p>Please stamp with date of receipt and return this card to the addressee.</p> <p style="text-align: right;">PATENT LEGAL STAFF</p>	





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/036,157	12/26/2001	Tomasz A. Matraszek	83837RLO

EASTMAN KODAK CO.

CONFIRMATION NO. 3986

FORMALITIES LETTER



OC000000007403879

Thomas H. Close
 Patent Legal Staff
 Eastman Kodak Company
 343 State Street
 Rochester, NY 14650-2201

12/26/2001
 PATENT LEGAL STAFF

Date Mailed: 01/31/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Hajjert
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY